PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, MARCH 14, 2012

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JOURNAL OF THE SENATE

SIXTY-SIXTH CALENDAR DAY THIRTY-NINTH SESSION DAY

Senate Chamber Des Moines, Iowa, Wednesday, March 14, 2012

The Senate met in regular session at 9:09 a.m., President Kibbie presiding.

Prayer was offered by the Honorable David Johnson, member of the Senate from Osceola County, Ocheyedan, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Sean Duff.

The Journal of Tuesday, March 13, 2012, was approved.

INTRODUCTION OF GOVERNOR'S APPOINTEES

The Secretary of the Senate introduced Brian Ohorilko, the governor's appointee to be the Administrator to the State Racing and Gaming Commission. He was the guest of Senators Bertrand and Danielson and the committee on State Government.

The Secretary of the Senate introduced Beth Townsend, the governor's appointee to be the Director of the Iowa State Civil Rights Commission. She was the guest of Senators Dix and Quirmbach and the committee on Judiciary.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolution 116.

Senate Resolution 116

On motion of Senator Quirmbach, Senate Resolution 116, a resolution to honor Dr. Gregory L. Geoffroy's remarkable achievements as President of Iowa State University, with report of committee recommending passage, was taken up for consideration.

Senator Quirmbach moved the adoption of Senate Resolution 116, which motion prevailed by a voice vote.

SPECIAL GUEST

Senator Quirmbach introduced to the Senate Dr. Gregory L. Geoffroy, former President of Iowa State University.

The Senate rose and expressed its welcome.

RECESS

On motion of Senator Gronstal, the Senate recessed at 9:31 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 9:35 a.m., President Kibbie presiding.

UNFINISHED BUSINESS (Deferred March 13, 2012)

Senate File 2236

The Senate resumed consideration of **Senate File 2236**, a bill for an act relating to the procedures and duties of the Iowa ethics and campaign disclosure board relating to campaign finance and to county redistricting and making penalties applicable, deferred March 13, 2012.

(Senate File 2236 was deferred.)

The Senate stood at ease at 9:39 a.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 10:11 a.m., President Kibbie presiding.

The Senate resumed consideration of Senate File 2236, previously deferred.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Bartz, until he arrives, on request of Senator Chelgren.

Senator Chelgren offered amendment S-5088, filed by him from the floor to pages 1 and 5 of the bill, and moved its adoption.

A record roll call was requested.

Ernst

Feenstra

On the question "Shall amendment S–5088 be adopted?" (S.F. 2236), the vote was:

Hamerlinck

Schoenjahn

Houser

McKinley

Seymour

Yeas, 16:

Bacon

Behn

Boettger	Greiner	Kapucian	Smith
Chelgren	Hahn	Kettering	Zaun
Nays, 33:			
Anderson	Dix	Jochum	Seng
Beall	Dotzler	Johnson	Sodders
Bertrand	Dvorsky	Kibbie	Sorenson
Black	Fraise	Mathis	Ward
Bolkcom	Gronstal	McCoy	Whitver
Bowman	Hancock	Quirmbach	Wilhelm
Courtney	Hatch	Ragan	
Danielson	Hogg	Rielly	

Absent, 1:

Dearden

Bartz

Amendment S-5088 lost.

Horn

Senator Chelgren offered amendment S-5089, filed by him from the floor to pages 2-4 of the bill, and moved its adoption.

A record roll call was requested.

Boettger

Chelgren

Ernst

On the question "Shall amendment S–5089 be adopted?" (S.F. 2236), the vote was:

Feenstra

Greiner

Seymour

Zaun

Wilhelm

Yeas, 10:

Bacon

Bartz

Behn

Nays, 40:			
Anderson	Dotzler	Houser	Ragan
Beall	Dvorsky	Jochum	Rielly
Bertrand	Fraise	Johnson	Schoenjahn
Black	Gronstal	Kapucian	Seng
Bolkcom	Hahn	Kettering	Smith
Bowman	Hamerlinck	Kibbie	Sodders
Courtney	Hancock	Mathis	Sorenson
Danielson	Hatch	McCoy	Ward
Dearden	Hogg	McKinley	Whitver
was a			

Absent, none.

Dix

Amendment S-5089 lost.

Horn

Senator Danielson moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

Quirmbach

On the question "Shall the bill pass?" (S.F. 2236), the vote was:

Yeas, 31:

Bartz	Dearden	Hogg	Ragan
Beall	Dotzler	Horn	Rielly
Black	Dvorsky	Jochum	Schoenjahn
Boettger	Fraise	Kapucian	Seng
Bolkcom	Gronstal	Kibbie	Sodders
Bowman	Hamerlinck	Mathis	Ward
Courtney	Hancock	McCoy	Wilhelm
Danielson	Hatch	Quirmbach	

Nays, 19:

Anderson	Dix	Houser	Smith
Bacon	Ernst	Johnson	Sorenson
Behn	Feenstra	Kettering	Whitver
Bertrand	Greiner	McKinley	Zaun
Chelgren	Hahn	Sevmour	

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that Senate File 2236 be immediately messaged to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 10:38 a.m. until 9:00 a.m., Thursday, March 15, 2012.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Colby Casper, Sioux City—For being named to the Academic All-State Team. Senator Bertrand (3/14/12).

Eric Davis, Maquoketa—For achieving the rank of Eagle Scout, Troop 86. Senator Bowman (3/14/12).

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: Tuesday, March 13, 2012, 11:30 a.m.

Members Present: McCoy, Chair; Rielly, Vice Chair; Anderson, Ranking Member; Beall, Bertrand, Bolkcom, Courtney, Feenstra, Kettering, Mathis, Schoenjahn, Seng, Ward, Wilhelm, and Zaun.

Members Absent: None.

Committee Business: Approved governor's appointees. Passed HF 561 as amended.

Recessed: 1:30 p.m.

Reconvened: 6:40 p.m.

Adjourned: 9:00 p.m.

ECONOMIC GROWTH/REBUILD IOWA

Convened: Wednesday, March 14, 2012, 11:05 a.m.

Members Present: Sodders, Chair; Dotzler, Vice Chair; Greiner, Ranking Member; Bacon, Bertrand, Bowman, Chelgren, Danielson, Hatch, Horn, Mathis, Rielly, Ward,

Whitver, and Wilhelm.

Members Absent: None.

Committee Business: Approved governor's appointees.

Recessed: 11:10 a.m.

Reconvened: 11:35 a.m.

Adjourned: 11:50 a.m.

EDUCATION

Convened: Wednesday, March 14, 2012, 3:10 p.m.

Members Present: Quirmbach, Chair; Schoenjahn, Vice Chair; Hamerlinck, Ranking Member; Beall, Bowman, Dvorsky, Hogg, Johnson, Smith, Sodders, and Wilhelm.

 ${\bf Members\ Absent:}\ \ {\bf Boettger\ and\ Feenstra\ (both\ excused)}.$

Committee Business: Passed HF 2383. Approved governor's appointees.

Adjourned: 3:25 p.m.

LABOR AND BUSINESS RELATIONS

Convened: Wednesday, March 14, 2012, 3:00 p.m.

Members Present: Horn, Chair; Jochum, Vice Chair; Ward, Ranking Member;

Anderson, Courtney, Dearden, Dotzler, and Fraise.

Members Absent: Bertrand, Chelgren, and Hatch (all excused).

Committee Business: Approved governor's appointees.

Adjourned: 3:10 p.m.

LOCAL GOVERNMENT

Convened: Wednesday, March 14, 2012, 1:00 p.m.

Members Present: Wilhelm, Chair; Beall, Vice Chair; Bartz, Ranking Member; Bacon, Bowman, Courtney, Ernst, Hamerlinck, Quirmbach, Rielly, and Schoenjahn.

Members Absent: None.

Committee Business: Passed HFs 2323, 2361, and 2369.

Recessed: 1:05 p.m.

Reconvened: 1:20 p.m.

Adjourned: 1:35 p.m.

RULES AND ADMINISTRATION

Convened: Wednesday, March 14, 2012, 9:30 a.m.

Members Present: Gronstal, Chair; Kibbie, Vice Chair; Behn, Ranking Member;

Bartz, Courtney, Danielson, Dearden, Dvorsky, McKinley, Ragan, and Zaun.

Members Absent: None.

Committee Business: Approved governor's appointee.

Adjourned: 9:35 a.m.

TRANSPORTATION

Convened: Wednesday, March 14, 2012, 1:30 p.m.

Members Present: Rielly, Chair; Bowman, Vice Chair; Kapucian, Ranking Member;

Beall, Danielson, Dearden, Dvorsky, Ernst, Hahn, Hancock, and McCoy.

Members Absent: Houser and Zaun (both excused).

Committee Business: Passed HF 2228.

Adjourned: 1:45 p.m.

SUBCOMMITTEE ASSIGNMENTS

House File 2228

TRANSPORTATION: Hancock, Chair; Beall, Bowman, Danielson, Dearden, Dvorsky, Ernst, Hahn, Kapucian, McCoy, and Rielly

House File 2264

VETERANS AFFAIRS: Beall, Chair; Bacon, Black, Danielson, Ernst, Greiner, Horn, Kibbie, Ragan, Seymour, and Sodders

House File 2369

LOCAL GOVERNMENT: Wilhelm, Chair; Bacon, Bartz, Beall, Bowman, Courtney, Ernst, Hamerlinck, Quirmbach, Rielly, and Schoenjahn

House File 2385

EDUCATION: Dvorsky, Chair; Hamerlinck and Quirmbach

House File 2402

VETERANS AFFAIRS: Beall, Chair; Bacon, Black, Danielson, Ernst, Greiner, Horn, Kibbie, Ragan, Seymour, and Sodders

House File 2404

VETERANS AFFAIRS: Beall, Chair; Bacon, Black, Danielson, Ernst, Greiner, Horn, Kibbie, Ragan, Seymour, and Sodders

House File 2433

STATE GOVERNMENT: Danielson, Chair; Jochum and Smith

FINAL COMMITTEE REPORTS OF BILL ACTION

COMMERCE

Bill Title: HOUSE FILE 561, a bill for an act relating to the permitting, licensing, construction, and operation of nuclear generation facilities.

Recommendation: WITHOUT RECOMMENDATION.

Final Vote: Ayes, 8: McCoy, Rielly, Anderson, Bertrand, Feenstra, Kettering, Ward, and Zaun. Nays, 7: Beall, Bolkcom, Courtney, Mathis, Schoenjahn, Seng, and Wilhelm. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EDUCATION

Bill Title: HOUSE FILE 2383, a bill for an act relating to mandatory reporting of school employee misconduct to the board of educational examiners.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Quirmbach, Schoenjahn, Hamerlinck, Beall, Bowman, Dvorsky, Hogg, Johnson, Smith, Sodders, and Wilhelm. Nays, none. Absent, 2: Boettger and Feenstra.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

HUMAN RESOURCES

Bill Title: HOUSE FILE 2305, a bill for an act relating to the powers and duties of the department on aging.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN S-5092.

Final Vote: Ayes, 13: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolkcom, Dotzler, Hatch, Jochum, Johnson, Mathis, Quirmbach, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2388, a bill for an act relating to maximizing hospital-specific disproportionate share hospital payments, and providing for contingent implementation.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolkcom, Dotzler, Hatch, Jochum, Johnson, Mathis, Quirmbach, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2368, a bill for an act providing for the issuance of a certificate of birth resulting in stillbirth, providing for a fee, and including effective date provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolkcom, Dotzler, Hatch, Jochum, Johnson, Mathis, Quirmbach, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2345, a bill for an act relating to the factors considered by the court in a determination of the best interest of the child in custody arrangements.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolkcom, Dotzler, Hatch, Jochum, Johnson, Mathis, Quirmbach, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2226, a bill for an act relating to child abuse reports and disposition data.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN S-5091.

Final Vote: Ayes, 13: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolkcom, Dotzler, Hatch, Jochum, Johnson, Mathis, Quirmbach, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2306, a bill for an act relating to the membership of the medical assistance advisory council.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolkcom, Dotzler, Hatch, Jochum, Johnson, Mathis, Quirmbach, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2387, a bill for an act relating to improvements to and implementation of laws concerning elder abuse.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolkcom, Dotzler, Hatch, Jochum, Johnson, Mathis, Quirmbach, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

LOCAL GOVERNMENT

Bill Title: HOUSE FILE 2231, a bill for an act relating to residency qualifications for memorial hospital commissioners.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Wilhelm, Beall, Bartz, Bacon, Bowman, Courtney, Ernst, Hamerlinck, Rielly, and Schoenjahn. Nays, none. Absent, 1: Quirmbach.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2323, a bill for an act relating to city utilities and city enterprises by making changes to requirements related to residential rental property.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Wilhelm, Beall, Bartz, Bacon, Bowman, Courtney, Ernst, Hamerlinck, Quirmbach, Rielly, and Schoenjahn. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2369, a bill for an act relating to the issuance of a burial transit permit.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Wilhelm, Beall, Bartz, Bacon, Bowman, Courtney, Ernst, Hamerlinck, Quirmbach, Rielly, and Schoenjahn. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Bill Title: HOUSE FILE 2319, a bill for an act relating to elections and voter registration, including technical administration of the law by making modifications to certain filing deadlines, preservation of certain records, elections to fill certain vacancies in office, absentee voting, voting systems, and ballot summaries.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Danielson, Kibbie, Sorenson, Chelgren, Dearden, Dix, Feenstra, Fraise, Hatch, Horn, Jochum, McCoy, Smith, and Sodders. Nays, none. Absent, 1: Bertrand.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2400, a bill for an act relating to the policy administration of election and voter registration laws by the secretary of state, including changes to the definition of a general election, the voter registration age, absentee voting, the provision of training space for election personnel, the candidate nomination filing requirements for merged area, school district, and city elections, the filling of vacancies in city office, and authorizing certain cities to conduct city elections by absentee ballot, and including effective date provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Danielson, Kibbie, Sorenson, Chelgren, Dearden, Dix, Feenstra, Fraise, Hatch, Horn, Jochum, McCoy, Smith, and Sodders. Nays, none. Absent, 1: Bertrand.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

TRANSPORTATION

Bill Title: HOUSE FILE 2228, a bill for an act relating to requirements for a motor vehicle operator to have control of the vehicle at all times and to reduce speed in specific situations.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Rielly, Bowman, Kapucian, Beall, Danielson, Dearden, Dvorsky, Ernst, Hahn, Hancock, and McCoy. Nays, none. Absent, 2: Houser and Zaun

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on March 14, 2012, the Governor approved and transmitted to the Secretary of State the following bills:

Senate File 2058 - Relating to certain records of rural water districts, city utilities, and city enterprises.

Senate File 2092 – Relating to informal dispute resolution, by eliminating a program for the establishment and support of locally organized informal dispute resolution centers in the office of prosecuting attorneys training coordinator of the department of justice.

Senate File 2244 – Requiring that a veteran be seriously injured or very seriously injured in order to be eligible to receive a grant under the injured veterans grant program.

Senate File 2282 – Concerning the definitions of "all-terrain vehicle" and "off-road utility vehicle" for purposes of provisions administered by the department of natural resources.

Senate File 2292 – To legalize the proceedings of the City Council of Ankeny, Iowa, including all legal notices given, in connection with the making of a contract for the construction of certain improvements to the NE 7th Street Sanitary Sewer Improvement Project with Pirc-Tobin Construction, Inc. of Alburnett, Iowa, in connection with, and to legalize said contract, and authorize its performance by said Council and the financing including project notes issued thereof.

EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate chamber on March 14, 2012, when the vote was taken on Amendment S–5088 to Senate File 2236. Had I been present, I would have voted "Aye."

MERLIN BARTZ

APPOINTMENT

The following appointee was submitted to the Secretary of the Senate for Senate confirmation (all appointees are submitted as **members** unless otherwise specified):

BY THE GOVERNOR

TERM

PAROLE, BOARD OF (Sec. 904A.1) W. Thomas Phillips, Waukee

05/01/2012 - 04/30/2016

The appointment was referred to the committee on Rules and Administration.

REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

The committee on Rules and Administration referred the following Governor's appointment to state boards, commissions, and departments to Senate standing committee, as indicated for investigation on March 14, 2012:

JUDICIARY

W. Thomas Phillips - Board of Parole

APPOINTMENTS TO BOARDS AND COMMISSIONS

In accordance with Senate Rule 59, the following senators were appointed to subcommittee of standing committee on March 14, 2012, to investigate the appointment and reappointment of the following appointees:

JUDICIARY

As a member of the Board of Parole:

W. THOMAS PHILLIPS - Hogg, Chair; Dvorsky and Ward

GOVERNOR'S APPOINTEES PLACED ON EN BLOC CONFIRMATION CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Confirmation Calendar with recommendation for confirmation:

ECONOMIC GROWTH/REBUILD IOWA

Stephen Hammes – Iowa Great Places Board Kerrie Kuiper – Iowa Great Places Board Gayle Redman – Iowa Great Places Board

LABOR AND BUSINESS RELATIONS

Cloyd "Robby" Robinson - Employment Appeal Board

Mickey Gage – Plumbing and Mechanical Systems Examining Board Rodney Schultz – Plumbing and Mechanical Systems Examining Board

 $\label{eq:continuous} \mbox{Janelle Niebuhr (Appointment \& Reappointment)} - \mbox{Public Employment Relations} \\ \mbox{Board}$

Rachel Hurley – Iowa Workforce Development Board Ken Sagar – Iowa Workforce Development Board Karen "Dee" Vanderhoef – Iowa Workforce Development Board

STATE GOVERNMENT

Evelyn Rank – Accountancy Examining Board Robert Snodgrass – Accountancy Examining Board Tommy Thompson – Accountancy Examining Board

Bryan Burton - Commission on the Status of African Americans

Tami Doll - Alcoholic Beverages Commission

Albert Liu – Commission of Asian and Pacific Islander Affairs Karlai Thornburg – Commission of Asian and Pacific Islander Affairs

John Calisesi – Board of Chiropractic Aaron Martin – Board of Chiropractic

Terry Butler – Iowa Emergency Response Commission Julie Waltz – Iowa Emergency Response Commission

Christy VanBuskirk – Engineering and Land Surveying Examining Board Marlee Walton – Engineering and Land Surveying Examining Board

Matthew McDermott - Iowa Lottery Authority Board of Directors

Connie Boyd - Board of Nursing

Chris Mayer - Peace Officers' Retirement, Accident, and Disability System Trustee

Susan Frey – Board of Pharmacy

Edward McKenna - Board of Pharmacy

Kristine Kramer - State Racing and Gaming Commission

Terry Duggan – Real Estate Commission

Carol Haines - Real Estate Commission

GOVERNOR'S APPOINTEES PLACED ON INDIVIDUAL CONFIRMATION CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the Individual Confirmation Calendar with recommendation for confirmation:

ECONOMIC GROWTH/REBUILD IOWA

Donald Zuck - Iowa Great Places Board

LABOR AND BUSINESS RELATIONS

James Van Fossen - Public Employment Relations Board

STATE GOVERNMENT

Donna Mueller - Chief Executive Officer of IPERS

Brian Ohorilko - Administrator of the State Racing and Gaming Commission

WITHDRAWAL OF GOVERNOR'S APPOINTEE

The following letter from the Governor was received in the office of the Secretary of the Senate on March 14, 2012:

I am withdrawing the name of Patricia Weese to serve as a member of the Plumbing and Mechanical Systems Examining Board from further consideration by the Sanata

Sincerely, TERRY E. BRANSTAD Governor

AMENDMENTS FILED

S-5088	S.F.	2236	Mark Chelgren
S-5089	S.F.	2236	Mark Chelgren
S-5090	H.F.	561	Commerce
S-5091	H.F.	2226	Human Resources
S-5092	H.F.	2305	Human Resources